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11 Attorneys for Defendants
CITY OF PASADENA, JOHN LEWY,
12 KALVIN BLAKE, and TAYLOR
VINCENT

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

17 DAISY ALVAREZ, individually and as
successor in interest to Ricardo
18 Andrade, deceased,

19 Plaintiff,

20 v.

21 CITY OF PASADENA; JOHN LEWY;
KALVIN BLAKE; TAYLOR
22 VINCENT; and DOES 1-7,

23 Defendant.

Case No. 2:25-cv-02490-MWF-PVC

**DEFENDANTS JOHN LEWY,
KALVIN BLAKE, AND TAYLOR
VINCENT'S ANSWER TO FIRST
AMENDED COMPLAINT FOR
DAMAGES; DEMAND FOR JURY
TRIAL**

Judge: Michael W. Fitzgerald

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26 Come now Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR
27 VINCENT hereby Answers the First Amended Complaint for Damages (hereinafter
28 "Complaint") of Plaintiff DAISY ALVAREZ ("Plaintiff") in the above-entitled

1 action, for themselves and for no other parties, admit, deny, and allege as follows:

2 1. In answering paragraphs 1 and 2 of the First Amended Complaint, these
3 answering Defendants admit that jurisdiction and venue are proper. These answering
4 Defendants deny all remaining allegations.

5 2. In answering paragraphs 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23,
6 24, 25, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50,
7 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 74, 75,
8 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89 and the prayer for relief of the First
9 Amended Complaint, these answering defendants deny any and all allegations of the
10 respective paragraphs. To the extent any statement of law is made therein, these
11 answering Defendants asserts the law speaks for itself.

12 3. In answering paragraphs 4 and 5 of the First Amended Complaint,
13 Defendants lacks sufficient information to respond to the allegations of the
14 paragraphs and therefore deny any and all allegations. To the extent any statement
15 of law is made therein, Defendants asserts the law speaks for itself.

16 4. In answering paragraph 6 of the First Amended Complaint, Defendants
17 admit that the City of Pasadena is a municipal entity organized and existing under
18 the laws of the State of California. These answering Defendants deny all remaining
19 allegations.

20 5. In answering paragraph 7 of the First Amended Complaint, Defendants
21 admit that at all relevant times Defendant John Lewy was a police officer working
22 for the Pasadena Police Department. These answering Defendants deny all
23 remaining allegations.

24 6. In answering paragraph 8 of the First Amended Complaint, Defendants
25 admit that at all relevant times Defendant Kalvin Blake was a police officer working
26 for the Pasadena Police Department. These answering Defendants deny all
27 remaining allegations.

28 7. In answering paragraph 9 of the First Amended Complaint, Defendants

1 admit that at all relevant times Defendant Taylor Vincent was a police officer
2 working for the Pasadena Police Department. These answering Defendants deny all
3 remaining allegations.

4 8. In answering paragraphs 20, 26, 34, 41, 48, 57, 67, 73, and 80 of the
5 Complaint, these answering Defendants hereby incorporate its admissions and
6 denials to the Complaint.

7 9. In answering paragraph 21 and 27 of the First Amended Complaint,
8 Defendants admit that on April 13, 2024, Pasadena Police Officers contacted
9 decedent when he was in his vehicle, a white pickup truck. Defendants admit that
10 decedent fled in his vehicle and that the pursuit ended when decedent collided with
11 an unoccupied vehicle parked in front of a residence. Defendants admit that
12 decedent then ran on foot. These answering Defendants deny all remaining
13 allegations contained therein.

14 10. In answering paragraph 22 of the First Amended Complaint,
15 Defendants admit that Decedent died as a result of this incident. These answering
16 Defendants deny all remaining allegations.

AFFIRMATIVE DEFENSES

18 AS SEPARATE AND AFFIRMATIVE DEFENSES, Defendants allege as
19 follows:

FIRST AFFIRMATIVE DEFENSE

21 11. The First Amended Complaint fails to state a claim upon which relief
22 can be granted. The First Amended Complaint also fails to state a claim for relief
23 against Defendants.

SECOND AFFIRMATIVE DEFENSE

25 12. Defendants deny that Plaintiff or Decedent have been deprived of any
26 rights, privileges, or immunities guaranteed by the laws of the United States or by
27 the laws of the State of California.

THIRD AFFIRMATIVE DEFENSE

13. At all relevant times, the Defendants acted within the scope of
discretion, with due care, and good faith fulfillment of responsibilities pursuant to
applicable statutes, rules and regulations, within the bounds of reason under the
circumstances, and with the good faith belief that its actions comported with all
applicable laws. Any individual Defendants therefore assert qualified immunity
from liability.

FOURTH AFFIRMATIVE DEFENSE

9 14. Defendants deny that it violated Decedent's Fourth Amendment rights,
10 or any other federal, constitutional, or other rights.

FIFTH AFFIRMATIVE DEFENSE

12 15. To the extent that any force was used against Decedent, the force used
13 was privileged and reasonable as a matter of law.

SIXTH AFFIRMATIVE DEFENSE

15 16. Decedent's own conduct estops Plaintiff from claiming the damages
16 alleged in the First Amended Complaint.

SEVENTH AFFIRMATIVE DEFENSE

18 17. To the extent that Plaintiff has alleged a supplemental state law cause
19 of action, she has failed to submit timely Government Claims, as required by the
20 California Tort Claims Act of 1963, which is codified as California Government
21 Code § 810-998.3, which bars this Court from hearing those claims.

EIGHTH AFFIRMATIVE DEFENSE

18. Defendants are immune from liability for its actions by the application
of one or more of the immunities set forth in the California Government Code,
including the immunities set forth in §§ 815.2, 818.2, 818.8, 820, 820.2, 820.4,
820.6, 820.8, 821.6, 821.8, 822.2, 844, 845.6, and 845.8.

NINTH AFFIRMATIVE DEFENSE

28 | 19. Plaintiff's cause of action for a Fourth Amendment violation is barred

1 because any force used by Defendant and their employees was privileged as
2 reasonable to defend oneself or others.

3 **TENTH AFFIRMATIVE DEFENSE**

4 20. To the extent that Plaintiff suffered any damages, which the Answering
5 Defendants deny, the damages were suffered in whole, or in part, by the negligence
6 of Plaintiff or Decedent, and the damages of Plaintiff should be reduced by a
7 proportional amount.

8 **ELEVENTH AFFIRMATIVE DEFENSE**

9 21. The damages alleged were directly and proximately caused and
10 contributed to by the negligence of other persons, and the extent of damages
11 sustained, if any, should be reduced in proportion to the amount of said negligence.

12 **TWELFTH AFFIRMATIVE DEFENSE**

13 22. Plaintiff's damages, if any, should be reduced because of Plaintiff's or
14 Decedent's failure to mitigate damages, if any.

15 **THIRTEENTH AFFIRMATIVE DEFENSE**

16 23. Punitive Damages cannot be imposed against a public entity.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 24. Plaintiff's claims are barred by the failure to comply with the
19 applicable statute of limitations.

20 **FIFTEENTH AFFIRMATIVE DEFENSE**

21 25. Plaintiff has failed to join necessary and/or indispensable parties.

22 **SIXTEENTH AFFIRMATIVE DEFENSE**

23 26. At all relevant times, each Defendant acted independently and not in
24 association or concert with or as agent or servant of any other Defendant, including
25 any sued herein under fictitious names, or of the employees or agents of other
26 Defendants.

27 **SEVENTEENTH AFFIRMATIVE DEFENSE**

28 27. At the time and place of the alleged incident and for some time before

1 then, the risks and dangers of the incident (assuming said risks and dangers existed)
2 were fully known to and appreciated by Plaintiff and Decedent, and Plaintiff and
3 Decedent thereby voluntarily assumed any and all risks and dangers, including the
4 risk and danger of the alleged incident complained of in Plaintiff's Complaint.

5 **EIGHTEENTH AFFIRMATIVE DEFENSE**

6 28. Plaintiff's claims are barred by the doctrine of unclean hands.

7 **NINETEENTH AFFIRMATIVE DEFENSE**

8 29. Plaintiff's claims are barred by the doctrine of laches.

9 **TWENTIETH AFFIRMATIVE DEFENSE**

10 30. Any injury or damages suffered by Plaintiff or Decedent were caused
11 solely by reason of Decedent's wrongful acts and conduct, and not by reason of any
12 unlawful acts or omissions of the Defendants.

13 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

14 31. Any recovery on the Plaintiff's First Amended Complaint, or any
15 purported claim or cause of action alleged therein, is barred in whole or in part by
16 the Plaintiff and Decedent's own conduct which violated numerous provisions of the
17 California Penal Code and, as such, was negligent per se.

18 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

19 32. Because the First Amended Complaint is couched in conclusory terms,
20 Defendant cannot fully anticipate all affirmative defenses that may be applicable to
21 this action. Accordingly, the right to assert additional affirmative defenses, if and to
22 the extent that such affirmative defenses are applicable, is hereby reserved.

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1 Dated: September 11, 2025

BURKE, WILLIAMS & SORENSEN, LLP

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By: /s/ Caylin W. Jones

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Nathan A. Oyster

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Caylin W. Jones

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Attorneys for Defendants

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CITY OF PASADENA, JOHN

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LEWY, KALVIN BLAKE, and

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TAYLOR VINCENT

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DEMAND FOR JURY TRIAL

Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT demand a trial before a jury on all issues presented by Plaintiff's First Amended Complaint triable to a jury.

WHEREFORE, Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT pray that:

7 1. Judgment be rendered in favor of Defendants JOHN LEWY, KALVIN
8 BLAKE, and TAYLOR VINCENT and against Plaintiff DAISY ALVAREZ;

9 2. Plaintiff DAISY ALVAREZ take nothing by this action;

10 3. Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR
11 VINCENT be awarded costs of suit incurred herein; and

12 4. Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR
13 VINCENT be awarded such other and further relief as the Court may deem
14 necessary and proper.

16 Dated: September 11, 2025

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Caylin W. Jones

Nathan A. Oyster
Caylin W. Jones
Attorneys for Defendants
CITY OF PASADENA, JOHN
LEWY, KALVIN BLAKE, and
TAYLOR VINCENT